

**REMARKS:**

Status of Claims

Claims 1-47 were previously pending in the application. By way of this Amendment, claims 1 and 40 have been amended, claims 45-47 have been cancelled, and new claim 48 has been added. Thus, claims 1-44 and 48 remain pending with claims 1, 40 and 48 being independent.

Summary of Office Action and Arguments

In an Office Action dated February 5, 2007, the Examiner rejected all of the claims in view of several prior art references. Specifically, claims 1-39 were rejected as being anticipated by U.S. Patent No. 4,359,167 to Fouss; claims 40-44 were rejected as being obvious in view of Fouss when combined with U.S. Patent No. 5,346,093 to DeBenedittis; and claims 45-47 were rejected as being obvious in view of Fouss when combined with U.S. Patent No. 6,390,325 to Gonzalez.

*Rejection of Claims 1-39*

Claim 1 has been amended to more clearly distinguish the present invention from Fouss. Specifically, claim 1 now recites a plurality of inwardly extending receiving pockets each having an “upright wall extending inwardly from said upper wall or said lower wall a distance of at least about 15% of the height of the shell and a second wall substantially perpendicular to the upright wall and extending inwardly from said sidewall a distance of at least about 15% of the width of the shell”.

Fouss discloses a plastic tank having a corrugated outer wall comprised of alternating root portions and crown portions. The root portions each comprise a pair of root walls which converge at generally a 60° angle to each other and terminate in a narrow root base portion. Unlike the present invention recited in claim 1, the root walls do not extend inwardly from the upper/lower wall a distance of at least about 15% of the height of the shell and inwardly from the sidewall a distance of at least about 15% of the width of the shell. Although the Fouss patent provides no dimensions for the root walls, it is clear from the drawing figures that they do not extend inwardly a distance anywhere near 15% of the height or the width of the tank shell. The root portions of the Fouss patent

cannot extend this far into the shell because the patent illustrates and discloses a great number of closely spaced corrugated root portions. If all of the corrugated root portions of the Fouss patent extended inwardly a distance near 15% of the height or width of the shell, the root portions near the corners of the tank would collide and the tank would have little internal volume left for holding fluids.

#### *Rejection of Claims 40-44*

Claim 40 has been amended to more clearly distinguish the present invention from Fouss and DeBenedittis. Specifically, claim 40 now recites a manway including a collar and a “circumscribing trough recessed downwardly from the collar and the top surface of the outer wall toward the chamber for at least partially isolating the collar from deformations caused by external forces”.

As recognized by the Examiner, Fouss fails to disclose a manway with a collar or a circumscribing trough. DeBenedittis discloses a tank with a vent opening surrounded by a collar. However, DeBenedittis does not disclose or suggest a circumscribing trough positioned around the collar. As clearly shown in all of the drawing figures in the DeBenedittis patent, the collar is not circumscribed by anything, but is instead the outermost portion of an assembly which covers the vent opening. The DeBenedittis patent is unconcerned with such a circumscribing trough because it specifically discloses an above-ground tank which is not subject to deformations experienced by underground tanks. Thus, a circumscribing trough as claimed in the present application would serve no useful purpose in a tank constructed in accordance with the DeBenedittis patent.

#### *New Claim 48*

New claim 48 essentially combines the limitations of independent claims 1 and 40 and is therefore patentable for at least the reasons set forth above.


Conclusion

Applicant respectfully submits that claims 1-44 and 48 are now in allowable condition. In the event of further questions, the Examiner is urged to call the undersigned or his law firm partner Thomas H. Van Hoozer. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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